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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,205	02/27/2004	Hilmar Wechsel	08020.0013-00	4680

60668 7590 09/22/2009
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EXAMINER

NGUYEN, THUY-VI THI

ART UNIT	PAPER NUMBER
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3689

MAIL DATE	DELIVERY MODE
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09/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/787,205	Applicant(s) WECHSEL, HILMAR	
	Examiner THUY-VI NGUYEN	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 9-36 and 40-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-36, 40-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's communication on 07/26/2009

wherein:

Claims 1-6, 9-36, 40-47 are currently pending.

Claims 1-6, 9-36, 40-41 have been amended;

Claims 7-8, 37-39 have been cancelled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims **1-6, 9-36, 40-47** are rejected under 35 U.S.C. 103(a) as being unpatentable over HAUSER ET AL (US 6,536,659) in view of BLOOM (US 2002/0178074).

As for independent claim 1, HAUSER ET AL discloses a computer implemented method for managing a return of a product, the method comprising:

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receiving a return request for the product

{see at least figures 1, 4-6, col. 3, lines 45-48, col. 8, lines 10-22 discloses the merchant (14) or merchant web site 212 receive a request from customer for returning merchandise},

wherein the return request is for a quantity of the product great than one {see col. 4, lines 9-15, discloses a description of the merchandise that identifies items/quantity that should be included for the return request from customer}

determining whether the return request is authorized;

{see at least figures. 1, 4-6, col. 3, lines 56-63, col. 4, lines 1-15, col. 8, lines 23-44, and lines 59-67, col. 9, lines 1-3, discloses the merchant (14) or return authorization engine 216 of merchant determine *the authorization for the return of the merchandise*};

Issuing (providing/sending), from a first computer implement system, a return authorization information including authorization number (RAN) or bar code for the return request when the return request is determined to be authorized;

{see at least figures 4-6B, col. 7, lines 63-67, col. 8, lines 1-10 disclose a authorization bar code/RAN is *provided/issued to customer from a merchant 202/a first management system*; and col. 8, lines 30-60 merchant (14) or return authorization engine (213) as a first system that *send or provide or distribute the authorization bar code/or RAN to the customer*}

creating a record in a second computer implemented system for the return request, the record comprising the RAN; and

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{see at least figures 1- 2, col. 2, lines 27-31 disclose information/data about the product return include the return label is entered into the central database of Central return facility to indicate that the merchandise as been received; col.6, lines 18-49 discloses National Return Center or Central return facility 100 as a second computer management system wherein the record or information/data e.g. a return authorization label including an authorization bar code/RAN is stored in the database on computer 56};

updating the record (entering new data about the return product) in the second computer implemented management system after the product has been returned/received.

{see figure 2, col. 2, lines 27-37; col. 5, lines 5-19 disclose information/data about the product return is entered into the central database of Central return facility to indicate that the merchandise has been received; and if the return product that was received match the expected merchandise, an electronic transmission/message is sent to merchant 14 indicating a complete return of the merchandise occurred}

Note, as for the term “management” in the “first computer implemented management system” and “second computer implement management system”, this is inherently included in the "merchant customer product return system" and “central return facility network system” {see Figs. 1-2}. Also as indicated above, the limitation "updating a record" in the last step, this is inherently included in the features “*product return is entered into the central database to indicate that the merchandise has been received, and send the message to the merchant*

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indicating a complete return of the merchandise occurred {see figure 2, col. 2, lines 27-31; col. 5, lines 5-19}.

HAUSER ET AL discloses the claimed invention as indicated above.

HAUSER ET AL further discloses HAUSER ET AL discloses the quantity or number of items to be returned from the customer, and this information/record is stored in the database system {col. 4, lines 2-23, col. 6, lines 18-49, col. 7, lines 19-37}. However, HAUSER ET AL doesn't mention the feature of "splitting/dividing the record into a plurality of new records/files with the RAN/or identification number for the return product when less than all of the quantity is received" (step 5).

It is noted the splitting/dividing in step 5 is considered as the conditional/optional language based on when less than all of the quantity is received, the splitting record will occur. In the other words, if all of the quantity/or full of the quantity is received at the same time, then the splitting/dividing record in to a Plurality of new records files will not occur or happen. According to the MPEP, "language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation" (MPEP 2106.II. C).

BLOOM discloses the well known feature of the splitting record of order in to different records or files in order to make adjustments for an Order Detail record 1202 to partially fill an order, where a select order an Order Detail record 1202 has a SKU/identifier number quantity greater than what can be filled. The program (312) creates a new Order Detail Record 1202 and splitting the Order

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Detail Quantity across the new record 1202 and the existing record 1202. The program (312) creates a new Order Detail record 1202 by copying all the values of the existing record 1202, except for quantity. Quantity of the existing record can be reduced by the quantity of the new record when record is split {see BLOOM, pars. 0099, 0187, figures 9A-9B}.

Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the created record of HAUSER ET AL by splitting the record order into different records as taught by BLOOM in order to reduce the quantity of the existing record for inherently efficient database management. {BLOOM, par. 0099}.

As for dep. claim 2, which deals with the first management system is a customer relationship management system (CRM), this is taught in HAUSER ET AL, see at least figures 1, 4-6B disclose a merchant (14), merchant (202), or merchant website (212), and merchant call center 214 where the customer can directly contact.

As for dep. claim 3, which deals with the second management system comprises a ware house management (WM) system, this is taught in HAUSER ET AL, figures 2-3 "return central facility".

As for dep. claim 4, which deals with the information/data/or record about the delivery request, this is taught in HAUSER ET AL, col. 2, lines 27-38. Note: "the record/information or data of a delivery request" have been determined to be non-functional descriptive material (NFD), thus having no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive

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material can not render nonobvious an invention that would have otherwise been obvious. In re Gulack, 703 F. 2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

As for dep. claim 5, which deals with the communicating information between the two parties, e.g. first and second management system utilizing the RAN, this is taught in HAUSER ET AL, col. 2, line 5-23, 21-57, figure 1-2.

As for dep. claim 6, which deals with providing a shipping label in response to approving the return request, the shipping label comprising the RAN, this is taught in HAUSER ET AL, figures 1-2, col. 4, lines 15-22.

As for independent claim 9, HAUSER ET AL disclose authorizing a request from a customer to return a product; {see at least figures. 1, 4-6, col. 3, lines 56-63, col. 4, lines 1-15, col. 8, lines 23-44, and lines 59-67, col. 9, lines 1-3, discloses the merchant (14) or return authorization engine 216 of merchant determine *the authorization for the return of the merchandise*}

wherein the return request is for a quantity of the product great than one {see col. 4, lines 9-15, discloses a description of the merchandise that identifies items/quantity that should be included for the return request from customer};

creating at least one record in each of a plurality of computer implemented management systems when the request for the product return is authorized;

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{see figure at least figures 1-2, 5 and 6B, col. 4, lines 2-22, col. 5, lines 5-15, col. 6, lines 36-49; disclose the merchant and rental return facility have the record/information about the product return, e.g. the merchant system identify the customer information includes a description of the merchandise when the product is authorized for returning and then transmit this information/record to the rental facility center, when the return product is received at the rental facility, the product contain a return authorization label is scanned and then are stored in the database of the rental facility ; and figure 6B disclose the Return Authorization data 218 is transmitted from the return authorization engine (216) of merchant system to the national return center}

assigning a unique identifier to the product return;

{see figures 4-6B, col. 7, lines 63-67, col. 8, lines 1-10 disclose a authorization bar code/RAN is *provided/sent to customer* for returning product }

associating the unique identifier with each record corresponding the product to be returned/received;

{see figures 1-2, 5-6B, col. 4, lines 16-56, col. 5, lines 5-20, col. 6, lines 18-49 disclose the transmitting the authorization bar code/unique identifier about the return product from the merchant system to the return facility system, the facility issues the return label including the bar code/unique identifier to customer, when the merchandise/product is returned at the facility, the bar code will be scanned to identify the merchant and merchandise being returned}

Exchanging/transmitting information regarding the product return between the plurality of computer management systems utilizing the unique identifier;

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{see at least figures 1, 5-6B, col. 2, lines 9-25, lines 49-59; col. 5, lines 5-19 col. 8, lines 29-54 disclose the transmitting of the RA data (218) about the product return from the merchant system (return authorization engine) to the national return center system. This indicates that the unique identifier is stored in both systems (merchant and central return facility). The facility issues the return label including the bar code/unique identifier to customer, when the merchandise/product is returned at the facility, the bar code will be scanned to identify the merchant and merchandise being returned. If the return product that was received/returned match the expected merchandise, an electronic transmission/message is sent to merchant 14 indicating a complete return of the merchandise occurred}.

Note, as for the term “management” in the “computer implement systems” this is inherently included in the “merchant customer product return system” and “central return facility network system” {see Figs. 1-2}.

HAUSER ET AL discloses the claimed invention as indicated above. HAUSER ET AL further discloses HAUSER ET AL discloses the quantity or number of items to be returned from the customer, and this information/record is stored in the database system {col. 4, lines 2-23, col. 6, lines 18-49, col. 7, lines 19-37}. However, HAUSER ET AL doesn't mention the feature of “splitting/dividing the record into a plurality of new records/files with the RAN/or identification number for the return product when less than all of the quantity is received” (step 6).

It is noted the splitting/dividing in step 6 is considered as the conditional/optional language based on when less than all of the quantity is received, the splitting record will occur. In the other words, if all of the quantity/or full of the quantity is received at the same time, then the splitting/dividing record in to a Plurality of new records files will not occur or happen. According to the MPEP, "language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation" (MPEP 2106.II. C).

BLOOM discloses the well known feature of the splitting record of order in to different records or files in order to make adjustments for an Order Detail record 1202 to partially fill an order, where a select order an Order Detail record 1202 has a SKU/identifier number quantity greater than what can be filled. The program (312) creates a new Order Detail Record 1202 and splitting the Order Detail Quantity across the new record 1202 and the existing record 1202. The program (312) creates a new Order Detail record 1202 by copying all the values of the existing record 1202, except for quantity. Quantity of the existing record can be reduced by the quantity of the new record when record is split {see BLOOM, pars. 0099, 0187, figures 9A-9B}.

Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the created record of HAUSER ET AL by splitting the record order into different records as taught by BLOOM in order to reduce the quantity of the existing record for inherently efficient database management. {BLOOM, par. 0099}.

As for claim 10, which deals with the plurality of management systems comprises at least one of a customer relationship management (CRM) system, a warehouse management (WM) system, this is fairly taught in HAUSER ET AL, see figures 1-2 (merchant system and central return facility system)

As for claim 11, which deals with the plurality of management systems comprises the warehouse management (WM) system, this is fairly taught in HAUSER ET AL, see figures 1-2 (central return facility)

As for claim 12, which deals with plurality of management systems comprises a logistics, execution and shipping (LES) management system; this is fairly taught in HAUSER ET AL {see figures 1-3}

As for independent claim 13, HAUSER ET AL discloses a method for managing a product return, the method comprising:

assigning at least one return authorization number (RAN) to the product return;

{see figures 4-6B, col. 7, lines 63-67, col. 8, lines 1-10 disclose a authorization bar code/RAN is *provided/sent to customer* for returning product }

wherein the return request is for a quantity of the product great than one {see col. 4, lines 9-15, discloses a description of the merchandise that identifies items/quantity that should be included for the return request from customer};

creating, a return authorization record for the product return, the return authorization record comprising the RAN

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{see at least figures 4-6B, col. 7, lines 63-67, col. 8, lines 1-10 col. 8, lines 30-60 merchant website or return authorization engine (213) system provide the Return authorization data *include the authorization bar code/or RAN to the customer*}

creating, in a second database, a warehouse record for the product return, ware house record comprising the RAN

{see at least figures 1- 2, col. 2, lines 27-31 disclose information/data about the product return include the return label is entered into the central database of Central return facility to indicate that the merchandise as been received; col.6, lines 18-49 discloses National Return Center or Central return facility 100 as a second management system wherein the record or information/data e.g. a return authorization label including an authorization bar code/RAN is stored in the database on computer 56}

updating the return authorization and the warehouse record to include information associated with the RAN

{see figure 2, col. 2, lines 27-31; col. 5, lines 5-19 disclose information/data about the product return is entered into the central database of Central return facility to indicate that the merchandise has been received; and if the return product that was received match the expected merchandise, an electronic transmission/message is sent to merchant 14 indicating a complete return of the merchandise occurred}

Note: As for the limitation of "updating a record" in the last step, this is inherently included in the features "*product return is entered into the central*

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database to indicate that the merchandise has been received, and send the message to the merchant indicating a complete return of the merchandise occurred {see figure 2, col. 2, lines 27-31; col. 5, lines 5-19}.

Note as indicated above, the first database in the second step is inherently included in the figure 5-6B “merchant website and return authorization engine” network system.

HAUSER ET AL discloses the claimed invention as indicated above. HAUSER ET AL further discloses HAUSER ET AL discloses the quantity or number of items to be returned from the customer, and this information/record is stored in the database system {col. 4, lines 2-23, col. 6, lines 18-49, col. 7, lines 19-37}. However, HAUSER ET AL doesn't mention the feature of “splitting/dividing the record into a plurality of new records/files with the RAN/or identification number for the return product when less than all of the quantity is received” (step 4).

It is noted the splitting/dividing in step 4 is considered as the conditional/optional language based on when less than all of the quantity is received, the splitting record will occur. In the other words, if all of the quantity/or full of the quantity is received at the same time, then the splitting/dividing record in to a Plurality of new records files will not occur or happen. According to the MPEP, “language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation” (MPEP 2106.II. C).

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BLOOM discloses the well known feature of the splitting record of order in to different records or files in order to make adjustments for an Order Detail record 1202 to partially fill an order, where a select order an Order Detail record 1202 has a SKU/identifier number quantity greater than what can be filled. The program (312) creates a new Order Detail Record 1202 and splitting the Order Detail Quantity across the new record 1202 and the existing record 1202. The program (312) creates a new Order Detail record 1202 by copying all the values of the existing record 1202, except for quantity. Quantity of the existing record can be reduced by the quantity of the new record when record is split {see BLOOM, pars. 0099, 0187, figures 9A-9B}.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the created record of HAUSER ET AL by splitting the record order into different records as taught by BLOOM in order to reduce the quantity of the existing record for inherently efficient database management. {BLOOM, par. 0099}.

As for claim 14, which deals with the return authorization record comprises a plurality of return authorization items, this is fairly taught in HAUSER ET AL {see figures 1-3}.

As for claim 15, which deals with the return authorization item comprises a unique RAN, this is fairly taught in HAUSER ET AL {see figures 1-3}.

As for claim 16, which deals with the warehouse record comprises a plurality of pending delivery items, each of the pending delivery items being

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created for at least one of the return authorization items, this is fairly taught in HAUSER ET AL {see figure 2-3}

As for claim 17, HAUSER ET AL discloses wherein the second database is a warehouse management (WM) system {see figure 1-2}.

As for claim 18, which deals with information regarding to the return authorization record, e.g. product type and a quantity, this is fairly taught in HAUSER ET AL , see figures 1-3. Furthermore: “the record/information or data of the return authorization” have been determined to be non-functional descriptive material (NFDM), thus having no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive material can not render nonobvious an invention that would have other wise been obvious. In re Gulack, 703 F. 2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

As for claim 19, which deals with creating a shipping label based on the return authorization record and communicating the shipping label to a customer, this is fairly taught in HAUSER ET AL, {see figures 1-2, col. 4, lines 16-23}

As for claim 20, HAUSER ET AL discloses a computer implemented method for managing a product return, the method comprising:

Indexing/creating a record in a first database for a product return using at least one unique identifier

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{see at least figures 4-6B, col. 7, lines 63-67, col. 8, lines 1-10 col. 8, lines 30-60 merchant website or return authorization engine (213) provide the Return authorization data *include the authorization bar code/or RAN to the customer*}

wherein the return request is for a quantity of the product great than one {see col. 4, lines 9-15, discloses a description of the merchandise that identifies items/quantity that should be included for the return request from customer};

creating a record for the product return in a second database, the record in the second database comprising the unique identifier;

{see at least figures 1- 2, col. 2, lines 27-31 disclose information/data about the product return include the return label is entered into the central database of Central return facility to indicate that the merchandise as been received; col.6, lines 18-49 discloses National Return Center or Central return facility 100 as a second management system wherein the record or information/data e.g. a return authorization label including an authorization bar code/RAN is stored in the database on computer 56}; and

exchanging, between the first and second databases, information related to the product return, wherein each item of exchanged information is identified by the unique identifier

{see at least figures1, 5-6B, col. 2, lines 9-25, lines 49-59; col. 5, lines 5-19 col. 8, lines 29-54 disclose the transmitting of the RA data (218) about the product return from the merchant system (return authorization engine) to the national return center system. This indicates that the unique identifier is stored in both systems (merchant and central return facility). The facility issues the

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return label including the bar code/unique identifier to customer, when the merchandise/product is returned at the facility, the bar code will be scanned to identify the merchant and merchandise being returned. If the return product that was received/returned match the expected merchandise, an electronic transmission/message is sent to merchant 14 indicating a complete return of the merchandise occurred}.

HAUSER ET AL discloses the claimed invention as indicated above. HAUSER ET AL further discloses HAUSER ET AL discloses the quantity or number of items to be returned from the customer, and this information/record is stored in the database system {col. 4, lines 2-23, col. 6, lines 18-49, col. 7, lines 19-37}. However, HAUSER ET AL doesn't mention the feature of "splitting/dividing the record into a plurality of new records/files with the RAN/or identification number for the return product when less than all of the quantity is received" (step 3).

It is noted the splitting/dividing in step 3 is considered as the conditional/optional language based on when less than all of the quantity is received, the splitting record will occur. In the other words, if all of the quantity/or full of the quantity is received at the same time, then the splitting/dividing record in to a Plurality of new records files will not occur or happen. According to the MPEP, "language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation" (MPEP 2106.II. C).

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BLOOM discloses the well known feature of the splitting record of order in to different records or files in order to make adjustments for an Order Detail record 1202 to partially fill an order, where a select order an Order Detail record 1202 has a SKU/identifier number quantity greater than what can be filled. The program (312) creates a new Order Detail Record 1202 and splitting the Order Detail Quantity across the new record 1202 and the existing record 1202. The program (312) creates a new Order Detail record 1202 by copying all the values of the existing record 1202, except for quantity. Quantity of the existing record can be reduced by the quantity of the new record when record is split {see BLOOM, pars. 0099, 0187, figures 9A-9B}.

Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the created record of HAUSER ET AL by splitting the record order into different records as taught by BLOOM in order to reduce the quantity of the existing record for inherently efficient database management. {BLOOM, par. 0099}.

As for independent claim 21, HAUSER ET AL disclose a computer readable medium including a memory containing instructions for carrying out a method for managing a product return, the method comprising:

creating a record in a customer relationship management (CRM) system for a product return using at least one return authorization number

{see at least figures 4-6B, col. 7, lines 63-67, col. 8, lines 1-10 col. 8, lines 30-60 merchant website or return authorization engine (213) provide the Return authorization data *include the authorization bar code/or RAN to the customer*}

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wherein the return request is for a quantity of the product great than one {see col. 4, lines 9-15, discloses a description of the merchandise that identifies items/quantity that should be included for the return request from customer};

creating a record for the product return in a warehouse management (WM) system using the return authorization number

{see at least figures 1- 2, col. 2, lines 27-31 disclose information/data about the product return include the return label is entered into the central database of Central return facility to indicate that the merchandise as been received; col.6, lines 18-49 discloses National Return Center or Central return facility 100 as a second management system wherein the record or information/data e.g. a return authorization label including an authorization bar code/RAN is stored in the database on computer 56}; and

exchanging between the management systems information related to the product return, wherein each item of exchanged information is identified by the return authorization number

{see at least figures1, 5-6B, col. 2, lines 9-25, lines 49-59; col. 5, lines 5-19 col. 8, lines 29-54 disclose the transmitting of the RA data (218) about the product return from the merchant system (return authorization engine) to the national return center system. This indicates that the unique identifier is stored in both systems (merchant and central return facility). The facility issues the return label including the bar code/unique identifier to customer, when the merchandise/product is returned at the facility, the bar code will be scanned to identify the merchant and merchandise being returned. If the return product that

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was received/returned match the expected merchandise, an electronic transmission/message is sent to merchant 14 indicating a complete return of the merchandise occurred}.

Note, as for the term “management” in the “first management system” and “second management system”, this is inherently included in the “merchant customer product return system” and “central return facility network system” {see Figs. 1-2}.

HAUSER ET AL discloses the claimed invention as indicated above. HAUSER ET AL further discloses HAUSER ET AL discloses the quantity or number of items to be returned from the customer, and this information/record is stored in the database system {col. 4, lines 2-23, col. 6, lines 18-49, col. 7, lines 19-37}. However, HAUSER ET AL doesn’t mention the feature of “splitting/dividing the record into a plurality of new records/files with the RAN/or identification number for the return product when less than all of the quantity is received” (step 3).

It is noted the splitting/dividing in step 3 is considered as the conditional/optional language based on when less than all of the quantity is received, the splitting record will occur. In the other words, if all of the quantity/or full of the quantity is received at the same time, then the splitting/dividing record in to a Plurality of new records files will not occur or happen. According to the MPEP, “language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation” (MPEP 2106.II. C).

BLOOM discloses the well known feature of the splitting record of order in to different records or files in order to make adjustments for an Order Detail record 1202 to partially fill an order, where a select order an Order Detail record 1202 has a SKU/identifier number quantity greater than what can be filled. The program (312) creates a new Order Detail Record 1202 and splitting the Order Detail Quantity across the new record 1202 and the existing record 1202. The program (312) creates a new Order Detail record 1202 by copying all the values of the existing record 1202, except for quantity. Quantity of the existing record can be reduced by the quantity of the new record when record is split {see BLOOM, pars. 0099, 0187, figures 9A-9B}.

Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the created record of HAUSER ET AL by splitting the record order into different records as taught by BLOOM in order to reduce the quantity of the existing record for inherently efficient database management. {BLOOM, par. 0099}.

As for claim 22, which deals the record in the CRM system is a return authorization record, this is fairly taught in HAUSER ET AL see figure 5-6B

As for claim 23, which deals with the record in the WM system is a pending delivery record, see figure 2-3.

Note as for dep. claim 22-23 "the record/information or data " have been determined to be non-functional descriptive material (NFDM), thus having no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive material can not render nonobvious an invention that would have

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other wise been obvious. In re Gulack, 703 F. 2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

As for independent claim 24 which is about a computer readable medium containing instructions for carrying a method of managing a return of a product. This claim has the same limitation as independent claim 13 above. Therefore it is rejected as the same independent claim 13 sets forth above.

As for claims 25-26, which deals with the return authorization record comprises a plurality of return authorization items and a return authorization number, this is fairly taught in HAUSER ET AL {see figure 1-3}.

As for claim 27, which deals with delivery item is created for each return authorization item , this is fairly taught in HAUSER ET AL {see figure 1-3}.

As for claim 28, which deals with the second database is a warehouse management database, this is fairly taught in HAUSER ET AL {see figure 1-3}

As for claim 29, which deals with the return authorization record further comprises a product type and a quantity, this is fairly taught in HAUSER ET AL {see figure 1-3}.

Note: As for dep. claims 25-29, “the record/information or data of a the return authorization” have been determined to be non-functional descriptive material (NFDM), thus having no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive material can not render nonobvious an invention that would have other wise been obvious. In re Gulack,

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703 F. 2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

As for claim 30, which deals with creating a shipping label based on the return authorization record and communicating the shipping label to a customer, this is fairly taught in HAUSER ET AL {see figure 1-3}

As for independent claim 31 which is about a computer readable medium including a memory containing instructions for carrying a method of managing a return of a product. This claim has the same limitation as independent claim 9 above. Therefore it is rejected as the same independent claim 9 sets forth above.

As for independent claim 32, HAUSER ET AL discloses a system for managing a return of a product, the method comprising:

a first database configured to receive a return request for the product, and to generate a first record comprising a return authorization number (RAN) for the product if the return request is authorized

{see figure 5-6B; col. 8, lines 10-45, merchant website and return authorization engine for generating the authorization number/authorization bar code}

wherein the return request is for a quantity of the product great than one {see col. 4, lines 9-15, discloses a description of the merchandise that identifies items/quantity that should be included for the return request from customer};

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a second database, in communication with the first database, configured to create a second record corresponding to the return, the second record comprising the RAN

{see figures 1-2, figure 5-6B, col. 4, lines 2-23, disclose the merchant system communication with the return facility database, e.g transmitting the return authorization data to the return facility; and

wherein the first and second database are each configured to exchange information regarding the return utilizing the RAN

{see at least figures 1, 5-6B, col. 2, lines 9-25, lines 49-59; col. 5, lines 5-19 col. 8, lines 29-54 disclose the transmitting of the RA data (218) about the product return from the merchant system (return authorization engine) to the national return center system. This indicates that the unique identifier is stored in both systems (merchant and central return facility). The facility issues the return label including the bar code/unique identifier to customer, when the merchandise/product is returned at the facility, the bar code will be scanned to identify the merchant and merchandise being returned. If the return product that was received/returned match the expected merchandise, an electronic transmission/message is sent to merchant 14 indicating a complete return of the merchandise occurred}.

Note as indicated above, the first database in the second step is inherently included in the figure 5-6B “merchant website and return authorization engine”.

HAUSER ET AL discloses the claimed invention as indicated above.
HAUSER ET AL further discloses HAUSER ET AL discloses the quantity or

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number of items to be returned from the customer, and this information/record is stored in the database system {col. 4, lines 2-23, col. 6, lines 18-49, col. 7, lines 19-37}. However, HAUSER ET AL doesn't mention the feature of "splitting/dividing the record into a plurality of new records/files with the RAN/or identification number for the return product when not all of the quantity is returned" (last step).

It is noted the splitting/dividing in last step is considered as the conditional/optional language based on when not all of the quantity is returned, the splitting record will occur. In the other words, if all of the quantity/or full of the quantity is received at the same time, then the splitting/dividing record in to a Plurality of new records files will not occur or happen. According to the MPEP, "language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation" (MPEP 2106.II. C).

BLOOM discloses the well known feature of the splitting record of order in to different records or files in order to make adjustments for an Order Detail record 1202 to partially fill an order, where a select order an Order Detail record 1202 has a SKU/identifier number quantity greater than what can be filled. The program (312) creates a new Order Detail Record 1202 and splitting the Order Detail Quantity across the new record 1202 and the existing record 1202. The program (312) creates a new Order Detail record 1202 by copying all the values of the existing record 1202, except for quantity. Quantity of the existing record

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can be reduced by the quantity of the new record when record is split {see BLOOM, pars. 0099, 0187, figures 9A-9B}.

Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the created record of HAUSER ET AL by splitting the record order into different records as taught by BLOOM in order to reduce the quantity of the existing record for inherently efficient database management. {BLOOM, par. 0099}.

As for dep. claims 33-35, basically this system claim have the same limitation as the dep. claims 25-27 above, they are rejected for the same reason sets forth the dep. claims 25-27 above.

As for claim 36, which deals with the pending delivery comprises a plurality of pending delivery items each corresponding to a return authorization item, this is fairly taught in HAUSER ET AL, figures 1-3. Note , “the record/information or data of a the delivery items” have been determined to be non-functional descriptive material (NFD), thus having no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive material can not render nonobvious an invention that would have other wise been obvious. In re Gulack, 703 F. 2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

As for independent claim 40, HAUSER ET AL discloses a system for managing a product return comprising:

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a computer configured to assign a return authorization number (RAN) to a product return

{see figures 1-2 5-6B; col. 4, lines 2-23, col. 8, lines 10-45, merchant website and return authorization engine for generating the authorization number/authorization bar code}

wherein the return request is for a quantity of the product great than one {see col. 4, lines 9-15, discloses a description of the merchandise that identifies items/quantity that should be included for the return request from customer}

a plurality of databases, each database configured to receive the RAN and to create at least one record corresponding to the product return, wherein each record corresponding to the return item is uniquely associated with the RAN

{see figures 1-2, 5-6B disclose the merchant website/ and central return facility databases.

{see at least figures1, 5-6B, col. 2, lines 9-25, lines 49-59; col. 5, lines 5-19 col. 8, lines 29-54 disclose the transmitting of the RA data (218) about the product return from the merchant system (return authorization engine) to the national return center system. This indicates that the unique identifier is stored in both systems (merchant and central return facility). The facility issues the return label including the bar code/unique identifier to customer, when the merchandise/product is returned at the facility, the bar code will be scanned to identify the merchant and merchandise being returned. If the return product that was received/returned match the expected merchandise, an electronic

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transmission/message is sent to merchant 14 indicating a complete return of the merchandise occurred}.

Note as indicated above, the first database and a first computer in the second step is inherently included in the figure 5-6B “merchant website and return authorization engine” network system.

HAUSER ET AL discloses the claimed invention as indicated above. HAUSER ET AL further discloses HAUSER ET AL discloses the quantity or number of items to be returned from the customer, and this information/record is stored in the database system {col. 4, lines 2-23, col. 6, lines 18-49, col. 7, lines 19-37}. However, HAUSER ET AL doesn't mention the feature of “splitting/dividing the record into a plurality of new records/files with the RAN/or identification number for the return product when not all of the quantity is returned” (last step).

It is noted the splitting/dividing in last step is considered as the conditional/optional language based on when not all of the quantity is returned, the splitting record will occur. In the other words, if all of the quantity/or full of the quantity is received at the same time, then the splitting/dividing record in to a Plurality of new records files will not occur or happen. According to the MPEP, “language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation” (MPEP 2106.II. C).

BLOOM discloses the well known feature of the splitting record of order in to different records or files in order to make adjustments for an Order Detail

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record 1202 to partially fill an order, where a select order an Order Detail record 1202 has a SKU/identifier number quantity greater than what can be filled. The program (312) creates a new Order Detail Record 1202 and splitting the Order Detail Quantity across the new record 1202 and the existing record 1202. The program (312) creates a new Order Detail record 1202 by copying all the values of the existing record 1202, except for quantity. Quantity of the existing record can be reduced by the quantity of the new record when record is split {see BLOOM, pars. 0099, 0187, figures 9A-9B}.

Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the created record of HAUSER ET AL by splitting the record order into different records as taught by BLOOM in order to reduce the quantity of the existing record for inherently efficient database management. {BLOOM, par. 0099}.

As for independent claim 41, HAUSER ET AL discloses a system for managing a product return, the system comprising:

a first computer comprising a user interface for receiving a return request from a customer

{see figures 1-2, figures 5-6B, col. 1-23, col. 8, lines 11-54}}

wherein the return request is for a quantity of the product great than one {see col. 4, lines 9-15, discloses a description of the merchandise that identifies items/quantity that should be included for the return request from customer};

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second computer, in communication with the first computer, configured to receive the RAN, and to create, upon receipt of the return authorization, a record in a database comprising the RAN

{see figures 1-2, col. 4, lines 1-23, col. 6, lines 18-49}

Note: that it appears that independent claim 41 is an apparatus claim. In examination of the apparatus claim, the claims must be structurally distinguishable from the prior art. While features of an apparatus claim may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. See MPEP 2114. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997). Apparatus claims cover what a device is, not what a device does. *Hewlett-Packard Co. vs. Bausch & Lomb Inc.* (Fed. Circ. 1990). Manner of operating the device or elements of the device, i.e. recitation with respect to the manner in which a claimed apparatus is intended to be employed/used, does not differentiate apparatus from the prior art apparatus. *Ex parte Masham*, 2 USPQ2d 1647 (BPAI, 1987).

Also, this is an apparatus claim and intended use limitation for the system/device or apparatus, i.e. "for receiving a return request...the RAN" carries no patentable weight.

HAUSER ET AL discloses the claimed invention as indicated above. HAUSER ET AL further discloses HAUSER ET AL discloses the quantity or number of items to be returned from the customer, and this information/record is stored in the database system {col. 4, lines 2-23, col. 6, lines 18-49, col. 7, lines

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19-37}. However, HAUSER ET AL doesn't mention the feature of "splitting/dividing the record into a plurality of new records/files with the RAN/or identification number for the return product when less than all of the quantity is received" (step 5).

It is noted the splitting/dividing in step 5 is considered as the conditional/optional language based on when less than all of the quantity is received, the splitting record will occur. In the other words, if all of the quantity/or full of the quantity is received at the same time, then the splitting/dividing record in to a Plurality of new records files will not occur or happen. According to the MPEP, "language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation" (MPEP 2106.II. C).

BLOOM discloses the well known feature of the splitting record of order in to different records or files in order to make adjustments for an Order Detail record 1202 to partially fill an order, where a select order an Order Detail record 1202 has a SKU/identifier number quantity greater than what can be filled. The program (312) creates a new Order Detail Record 1202 and splitting the Order Detail Quantity across the new record 1202 and the existing record 1202. The program (312) creates a new Order Detail record 1202 by copying all the values of the existing record 1202, except for quantity. Quantity of the existing record can be reduced by the quantity of the new record when record is split {see BLOOM, pars. 0099, 0187, figures 9A-9B}.

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Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the created record of HAUSER ET AL by splitting the record order into different records as taught by BLOOM in order to reduce the quantity of the existing record for inherently efficient database management. {BLOOM, par. 0099}.

As for claims 42-44, which deals with the communication between the customer and manufacture for the product return using the website for transmitting the label. This is taught in HAUSER ET AL, see figures 1-2, 5-6B

As for claim 45-47, which deals with the method of communication using the EDI, (electronic data interchange), Basic Application Interface (BAPI) and R/3 information object. This is inherently included HAUSER ET AL{figures 1-3, 5-6B}, wherein the first and second computers communicate using an EDI. Moreover, using these parameters for communicating between two systems are common, old and well known in the art.

Response to Arguments

5. Applicant's arguments with respect to amended claims 1-6, 9-36, 40-41 have been considered but are moot in view of the new ground(s) of rejection.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy-Vi Nguyen whose telephone number is 571-270-1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. N./

Examiner, Art Unit 3689

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689